

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HERMÈS INTERNATIONAL and  
HERMÈS OF PARIS, INC.,

Plaintiff,

v.

MASON ROTHSCHILD,

Defendant.

Civil Action No. 22-cv-00384-AJN-GWG

**DECLARATION OF GERALD J. FERGUSON IN SUPPORT OF HERMÈS  
INTERNATIONAL'S AND HERMÈS OF PARIS, INC.'S OPPOSITION TO  
DEFENDANT MASON ROTHSCHILD'S MOTION TO DISMISS THE AMENDED  
COMPLAINT**

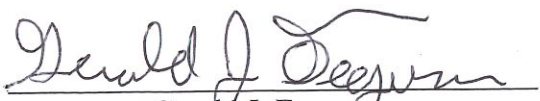
I, Gerald J. Ferguson, hereby declare as follows:

1. I am a partner at Baker & Hostetler LLP, and counsel of record in this action for Plaintiffs Hermès International and Hermès of Paris, Inc (collectively, "Hermès"). I respectfully submit this declaration in support of Hermès' Opposition to Defendant's Motion to Dismiss the Amended Complaint.

2. On March 24, 2022, after Hermès filed the Amended Complaint, Defendant announced that his other collection of NFTs called "I Like You You're Weird" ("ILYYW") has partnered with Arcade and that owners of a "Weirdo" NFT can "play as their Weirdo [NFT] in-game and live in the many biomes of the Arcade Metaverse." Attached hereto as Exhibit A is a screenshot of the ILYYW Discord page, showing Defendant's March 24, 2022, announcement.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 4, 2022  
New York, NY

By:   
Gerald J. Ferguson